

## STATE OF MAINE

Before the Grievance Commission:

Grievance Commission  
File No. 88-K-131

BOARD OF OVERSEERS OF THE BAR,	)	
	)	
Petitioner	)	
	)	
v.	)	REPORT OF FINDINGS AND
	)	CONCLUSIONS OF PANEL D
CLAUDIA SHARON,	)	OF THE GRIEVANCE
	)	COMMISSION
Respondent	)	

On February 26, 1991, pursuant to due notice, Panel D<sup>1</sup> of the Grievance Commission conducted a disciplinary hearing open to the public according to Maine Bar Rule 7(e)(2), to determine whether grounds existed for the issuance of a reprimand or whether probable cause existed for the filing of an information with respect to alleged misconduct of Respondent Claudia Sharon, as described in the petition dated October 1, 1990 filed by Bar Counsel of the Board of Overseers of the Bar.

The Board of Overseers of the Bar was represented by Bar Counsel J. Scott Davis, and Respondent Claudia Sharon was represented by Peter J. DeTroy, III, Esq. An answer had been duly filed on behalf of Respondent.

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<sup>1</sup> Pursuant to Maine Bar Rule 7(b)(2), the parties suggested and consented to have this proceeding conducted by two members of Panel D of the Grievance Commission, consisting of one lawyer member and one lay member of that duly-appointed panel.

Prior to the commencement of the hearing, Bar Counsel and Counsel for Respondent agreed without objection to the admission of Exhibits 1-3 as attached to the Petition. Although the complainants in this matter, Germaine A. Blake and Corliss A. Blake were present at the hearing, no testimonial witnesses were presented, the parties - as primarily set forth in the pleadings - having stipulated as to the following facts, and the panel so finds:

#### FINDINGS OF FACT

Respondent was at all times relevant hereto, an attorney duly admitted to and engaging in the practice of law in the State of Maine, and is subject to the Maine Bar Rules.

Commencing on or about June of 1987, Respondent represented Karen (Blake) Ward [hereinafter Karen] reference divorce proceedings against her husband, Arthur Blake [hereinafter Arthur]. At that time, both spouses resided in a home they had acquired from Arthur's parents, Corliss and Germaine Blake [hereinafter the Blakes]. A Protection from Abuse Order was issued against Arthur and he was forced to leave the marital home.

Pursuant to mediation, Arthur agreed to make the monthly house payments. Nevertheless, there was some question as to whether or not the mortgage payments were being made, and Karen became concerned as the mortgage agreement contained a sixty (60)

day default provision. Karen later attempted to ascertain whether the house payments were being made. She wrote to the Blakes reference the mortgage and received no response. On or about September 4, 1987, the Blakes retained Barry Kohler, Esq. and Edward Brown, Esq.

By letter of September 22, 1987, on behalf of Karen, Respondent contacted Arthur's attorney, Robert Walker, Esq., and requested written confirmation that the rent was being paid. She received no response.

Kohler contacted Respondent by telephone in October of 1987 and notified her that he represented the Blakes. At that time, Respondent requested information regarding the status of the house payments. Kohler told Respondent that he would look into the matter. Respondent received no further comments or information from Kohler.

By letter of October 28, 1987, Respondent directly contacted Corliss Blake regarding child support, past-due mortgage and the possibility of purchasing the property.

On November 4, 1987, the Blakes filed a Complaint for Declaratory Judgment and Karen was served with a Notice of Default and Termination of Contact.

A divorce judgment was entered in April of 1988. Sometime thereafter in the summer of 1988, Arthur was found in contempt of court for failure to comply with the divorce judgment and was

sentenced to five days in jail. Shortly thereafter, on August 31, 1988, Arthur allegedly threatened to abduct his daughter, Rachel.

By her letter of September 1, 1988, Respondent again communicated directly with the Blakes, being parties she knew to be represented by Kohler on a pending matter, and did so without Kohler's consent.

By letter of November 23, 1988 the Blakes complained to the Board of Overseers of the Bar reference Respondent's conduct and that letter was admitted as Board Exhibit 1. By letter of December 22, 1988 Respondent submitted a response to the Board reference the Blakes' grievance, and that letter was admitted as Board Exhibit 2. Pursuant to Respondent's comments contained within Board Exhibit 2, Bar Counsel supplied the Blakes with a copy of that letter, and the Blakes' rebuttal letter of January 10, 1989 was admitted as Board Exhibit 3.

The panel also received and admitted without objection copies of Respondent's letters of October 28, 1987 (Board Exhibit 4) and September 1, 1988 (Board Exhibit 5).

Within Board Exhibit 2, Respondent made at least the following assertions or comments:

1. Legal action was not commenced until November 4, 1987, and therefore Corliss Blake was not an adverse party when the October 28, 1987 letter was sent.

2. Kohler had not responded to her request for information and as a result, Respondent felt she had no recourse other than direct communication with Kohler's client.

3. Respondent sent the September 1, 1988 letter because she believed that Karen's settlement offers were not being relayed to the Blakes and she was convinced that the only way to resolve this matter was to write directly to all parties.

4. Both letters that were sent to the Blakes by Respondent had been copied by her to their counsel, Kohler.

#### CONCLUSION

It is clear to this panel that Respondent allowed her emotional involvement in the domestic battleground of the Blake case to blind her to an appropriate appreciation of her obligations under the Maine Bar Rules. It is also clear that her written communications with the Blakes constituted direct contact by her with an opposing party represented by counsel, without that counsel's consent.

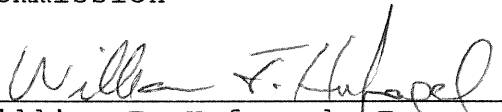
Respondent now concedes that it is irrelevant that she copied Attorney Kohler with such communications, particularly when she acknowledges that her direct contact was "foolish" and was largely motivated to cause the Blakes to do what their counsel apparently had been disinclined to do. Respondent's conduct was directly violative of Maine Bar Rule 3.6(j).

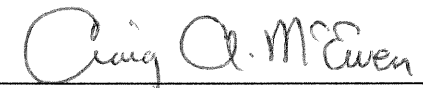
Consequently, the panel concludes, as Respondent so acknowledged at hearing, that the appropriate disposition of this complaint is that Respondent be, and she hereby is, reprimanded

for violating Maine Bar Rule 3.6(j) as established in the findings of fact discussed in this report.

Dated this 26th day of February, 1991.

Panel D of the Grievance  
Commission

  
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William F. Hufnagel, Esq.  
Chair

  
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Craig A. McEwen